S.B.CIVIL WRIT PETITION NO. 4870/2004

Sukh Ram Vs. State of Rajasthan

DATE OF ORDER :: 8th May, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Rakesh Arora, for the petitioner.
Mr. S.S. Ladrecha, Addl. Govt. Advocate.

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By this petition for writ a challenge is given to the validity, correctness and propriety of the award dated 7.12.2002 passed by the labour court, Bhilwara in Industrial Dispute No.7/95. The appropriate government under a notification dated 21.4.1995 referred an industrial dispute for its adjudication to labour court, Bhilwara in the terms, "Whether termination of workman Sukh Ram S/o Kanaji by his employer Assistant Engineer, Public Health & Engineering Department, Sub-division Jahazpur w.e.f. 1.8.1992 is legal and justified? If not, then for what relief the workman is entitled?

The labour court after considering the entire evidence available on record reached at the conclusion that the workman was not in continuous service of the employer for a calender year as defined under Section 25B of the Industrial Disputes Act, 1957.

While challenging the award aforesaid the contention of learned counsel for the petitioner is that the finding given by the labour court is erroneous as all the days on which the workman discharged duties with the employer were not taken into consideration on the count that for the same days one Sh. Ram Bharose also put his signatures on attendance roll.

I have gone through the entire record and also the award impugned. The finding given by the learned labour court is based on sound appreciation of evidence available on record and that cannot be interfered by this Court while exercising powers under Article 226 and 227 of the Constitution of India. Learned counsel for the petitioner utterly failed to satisfy the Court as to how the findings given by the labour court are perverse. Accordingly, no interference of this Court is warranted under its extra ordinary jurisdiction. Hence, this petition for writ is dismissed.

(GOVIND MATHUR),J.

jgoyal